



**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
HAZARDOUS WASTE PERMIT
TRANSFER REQUEST**

FORM AVAILABILITY:

This form, as well as other Industrial and Hazardous Waste documents, is available on the TNRCC OnLine bulletin board service at (512) 239-0700 and on the Internet World Wide Web, Waste Management home page at address <http://www.tnrcc.state.tx.us>

The original transfer request plus all copies should be submitted to:

Texas Natural Resource Conservation Commission
Attention: Permits Section, MC130
Industrial & Hazardous Waste Division
P. O. Box 13087
Austin, Texas 78711-3087

TELEPHONE INQUIRIES: (512) 239-6595 - Technical - Permits Section, Industrial & Hazardous Waste Division
(512) 239-0600 - Legal - Legal Division

This form is a condensed version of the full Part A and Part B permit application forms for a hazardous waste management facility. As such, it retains the overall organization of these forms. This form can be used to request a permit transfer of ownership or operational control **if no other changes are requested**. If the transferee elects to request other changes to the currently permitted waste management activities in addition to the permit transfer of ownership or operational control, the transferee should use appropriate portions of the full Part A and Part B permit application forms.

SUBMITTAL:

The complete permit transfer request should be typewritten or printed neatly in black ink. If the permit transfer request has been prepared using word processing, the third copy should consist of paper copies of all maps and a computer diskette of the remaining document. The document should be formatted in WordPerfect® word processing software up to and including version 6.1 or a 100% compatible format. Files may be compressed using PKZIP® Ver. 2 or a 100% compatible program.

For the Class 1¹ modification permit transfer request to an issued hazardous waste permit, submit:

1. An original updated Part A permit transfer request plus three (3) full copies;
2. an original Part B permit transfer request plus three (3) full copies of the replacement pages for the changed portions of the application that change as a result of the requested transfer;
3. a description of the exact changes to be made to the permit conditions and supporting documents referenced by the permit;
4. an explanation that the Class 1¹ modification is for a permit transfer;
5. a check for payment of \$150 transmitted directly to the TNRCC Financial Administration Division with a photostatic copy of the check included in the original Part B permit transfer request.

APPLICATION REVISIONS:

Please submit application revisions with a revised date and page numbers at the bottom of the page(s).

SIGNATURE ON APPLICATION

A permit transfer request submitted by a corporation must be signed by a principal executive officer of at least the level of vice president or by his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the activity described in the form originates. In the case of a partnership or a sole proprietorship, the request must be signed by a general partner or the proprietor, respectively. In the case of a municipal, state, federal, or other public facility, the request must be signed by a principal executive officer, a ranking elected official, or another duly authorized employee.

RELEVANT PERMIT TRANSFER REGULATIONS:

A permit is issued in personam (i.e., to the person) and may be transferred only upon approval of the commission. No transfer is required for a corporate name change, as long as the Secretary of State can verify that a change in name alone has occurred. An attempted transfer is not effective for any purpose until actually approved by the commission. [30 TAC 305.64(a)]

For permits involving hazardous waste under the Texas Solid Waste Disposal Act, Tex. Health and Safety Code Ann. Chapter 361 (Vernon) changes in the ownership or operational control of a facility may be made as Class 1 modifications with prior written approval of the executive director in accordance with 30 TAC 305.69. The new owner or operator must submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the executive director. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of 40 Code of Federal Regulations Part 264, Subpart H, as adopted by reference in §335.152(a)(6), until the new owner or operator has demonstrated to the executive director that he is complying with the requirements of 40 Code of Federal Regulations Part 264, Subpart H. The new owner or operator must demonstrate compliance with 40 Code Federal Regulations Part 264, Subpart H requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the executive director by the new owner or operator of compliance with 40 Code of Federal Regulations Part 264, Subpart H, the executive director shall notify the old owner or operator that he no longer needs to comply with 40 Code of Federal Regulations Part 264, Subpart H as of the date of demonstration. [30 TAC 305.64(g)]

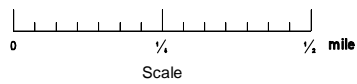
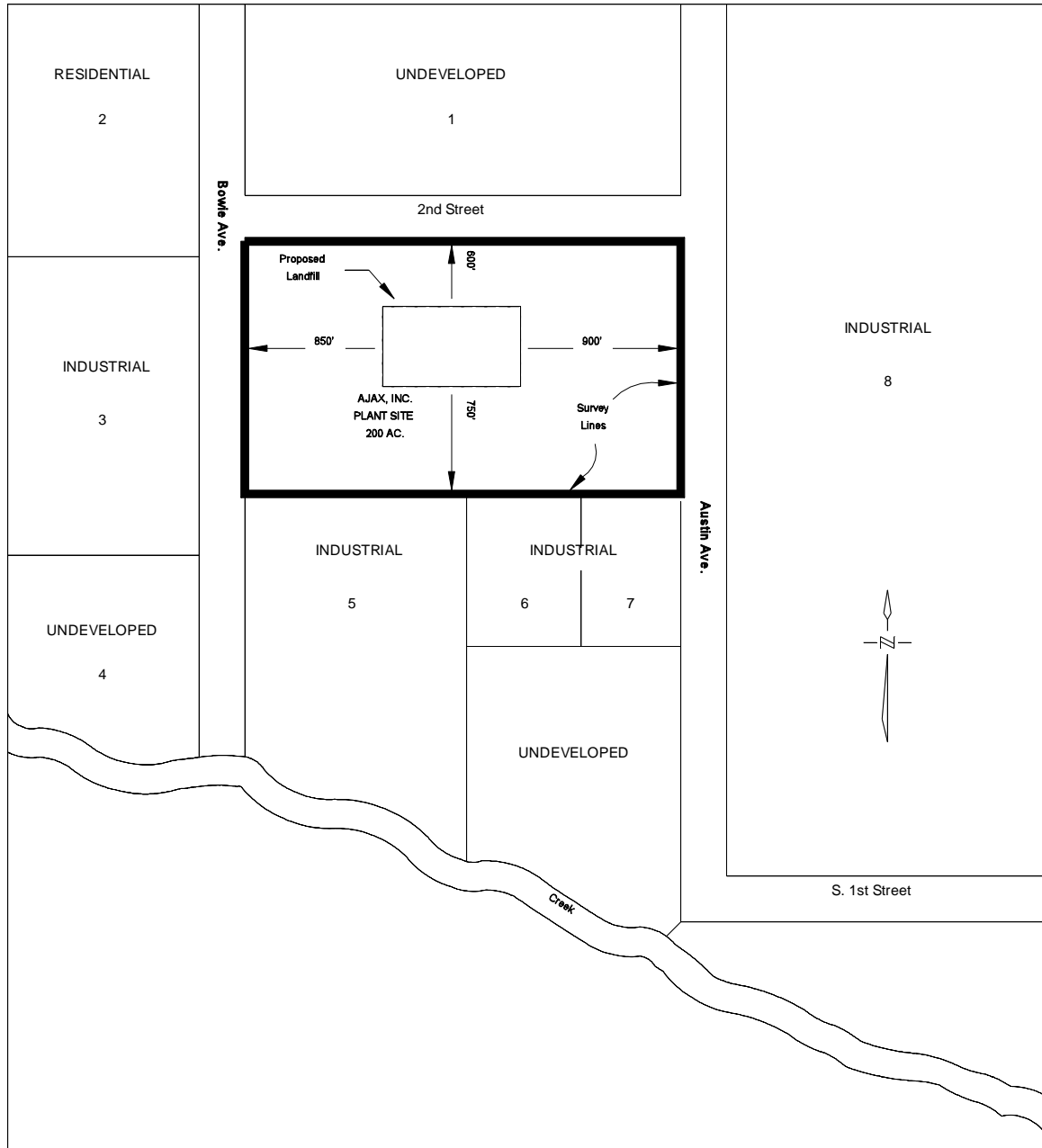
The executive director must be satisfied that proof of any required financial responsibility is sufficient before transmitting an application for transfer to the commission for further proceedings. [30 TAC 305.64(d)]

If a person attempting to acquire a permit causes or allows operation of the facility before approval is given, such person shall be considered to be operating without a permit or other authorization. [30 TAC 305.64(e)]

The commission may refuse to approve a transfer where conditions of a judicial decree, compliance agreement or other enforcement order have not been entirely met. The commission shall also consider the prior compliance record of the transferee, if any. [30 TAC 305.64(f)]

SAMPLE APPLICATION MAP

ALL ADJACENT LANDOWNERS SHALL BE IDENTIFIED



LANDOWNERS CROSS-REFERENCED TO
APPLICATION MAP

The persons identified below would be considered as affected persons.

- | | |
|--|---|
| 1. Mr. & Mrs. Samuel L. Davis
11901 Knights Bridge
Austin, Texas 78759 | 5. Jaxson Brewing Co.
4240 Line Road
Dallas, Texas 77640 |
| 2. Mr. & Mrs. Edward Sanchez
1405 Craigmont Lane
Waco, Texas 76710 | 6. Plainview Company
6647 Star Blvd.
Houston, Texas 77590 |
| 3. Tex-Link Corp.
8411 Zip Street
Houston, Texas 77590 | 7. ABC Chemicals, Inc.
1212 Austin Ave.
Dallas, Texas 77640 |
| 4. Mr. & Mrs. Ted Goldsby
3210 20th Street
Waco, Texas 76724 | 8. Big-C Bottle Co.
10024 N.W. Hwy.
Bovina, Texas 79402 |

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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
ATTN: Permits Section, MC130
Industrial & Hazardous Waste Division
P. O. Box 13087
Austin, Texas 78711-3087

PART A
HAZARDOUS WASTE PERMIT TRANSFER REQUEST

I. GENERAL INFORMATION

A. Transferee¹: _____
(Individual, Corporation, or Other Legal Entity Name)

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Charter Number _____

If the permit transfer request is submitted on behalf of a corporation, please identify the Charter Number as recorded with the Office of the Secretary of State for Texas.

Transferor: _____
(Individual, Corporation, or Other Legal Entity Name)

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Charter Number _____

Proposed Transfer Date: _____

B. Authorized Agents

1. List those persons or firms authorized to act for the transferee during the processing of the permit transfer request. Also indicate the capacity in which each person may represent the transferee (engineering, legal, etc.). The person listed first will be the primary recipient of correspondence regarding this permit transfer request. Include the complete mailing addresses and phone numbers.

¹The operator has the duty to submit an application [30 TAC 305.43(b)]. The permit will specify the operator and the owner who is listed on Part A of this application [Section 361.087, Texas Solid Waste Disposal Act].

2. If the permit transfer request is submitted by a corporation or by a person residing out of state, the transferee must register an Agent in Service or Agent of Service with the Texas Secretary of State's office and provide a complete mailing address for the agent. The agent must be a Texas resident.

- I. C. Operator: Identify the entity who will conduct facility operations. If same as transferee, state "same as transferee."

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Charter Number _____

- I. D. Ownership

1. Indicate the ownership status of the facility:

- a. ☐ Private

- (1) ☐ Corporation
- (2) ☐ Partnership
- (3) ☐ Proprietorship
- (4) ☐ Non-profit organization

- b. ☐ Public

- (1) ☐ Federal
- (2) ☐ Military
- (3) ☐ State
- (4) ☐ Regional
- (5) ☐ County
- (6) ☐ Municipal

- c. ☐ Other (specify) _____

2. Will the transferee own the facility units and facility property?

- ☐ Yes ☐ No

If you checked "no",

- a. Submit as "Attachment A" a copy of the lease for use of or the option to buy said facility units and/or facility property, as appropriate; and
- b. Identify the facility units owner and/or facility property owner. Please note that the owner is required to sign the permit transfer request on page 5.

New Owner (if unchanged, state "unchanged"):

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Previous (or Current) Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

(I.E through G intentionally absent)

SIGNATURE PAGE

I, _____, _____,
 (Transferee) (Title)

I, _____, _____,
(Owner) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further declare that this request for permit transfer of ownership or operational control is made with the full knowledge and consent of the present owner and operator of record and that the present owner and operator have received a copy of this request.

Signature: _____, Date: _____
(Transferee)

Signature: _____, Date: _____
(Owner)

TO BE COMPLETED BY THE TRANSFEREE IF THE PERMIT TRANSFER REQUEST IS SIGNED BY AN AGENT FOR THE TRANSFEREE

I, _____ hereby designate _____
(Transferee) (Agent)

as my agent and hereby authorize said agent to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Natural Resource Conservation Commission in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my agent in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

Printed or Typed Name of Transferee or Principal Executive Officer

Signature

(Note: Permit Transfer Request Must Bear Signature & Seal of Notary Public)

SUBSCRIBED AND SWORN to before me by the said _____ on this _____ day of _____, 19____.

My commission expires of the _____ day of _____, 19____.

Notary Public in and for

____ County, Texas

II. FACILITY BACKGROUND INFORMATION

A. Location of Facility for which the permit transfer request is submitted

1. Facility Name: _____

TNRCC Solid Waste Registration No.: _____ EPA I.D. No.: _____

Street Address, if available: _____

City: _____, Texas Zip Code: _____

County: _____

2. Give a verbal description of the location of the facility site with respect to known or easily identifiable landmarks.

3. Detail the access routes from the nearest U.S. or State Highway to the facility.

4. (Intentionally absent)

5. Enter the geographical coordinates of the facility:

Latitude: _____ deg _____ min _____ sec

Longitude: _____ deg _____ min _____ sec

6. (Intentionally absent)

B. Legal Description of Facility

Submit as "Attachment C" a legal description(s) of the tract or tracts of land upon which the waste management operations referred to in this permit transfer request occur or will occur. Although a legal description is required, a metes and bounds description is not necessary for urban sites with appropriate "lot" description(s).

(Sections III through IV intentionally absent)

PART B
HAZARDOUS WASTE PERMIT TRANSFER REQUEST

I. GENERAL INFORMATION

A. Transferee²: _____
(Individual, Corporation, or Other Legal Entity Name)

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Charter Number _____

If the permit transfer request is submitted on behalf of a corporation, please identify the Charter Number as recorded with the Office of the Secretary of State for Texas.

Transferor: _____
(Individual, Corporation, or Other Legal Entity Name)

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Charter Number _____

B. Authorized Persons

1. List those persons or firms, including a complete mailing address and telephone number, authorized to act for the transferee during the processing of the transfer request.

2. If the transfer request is submitted by a corporation or by a person residing out of state, the transferee must register an Agent in Service or Agent of Service with the Texas Secretary of State's office and provide a complete mailing address for the agent. The agent must be a Texas resident.

²The operator has the duty to submit an application [30 TAC 305.43(b)]. The permit will specify the operator and the owner who is listed on Part A of this application [Section 361.087, Texas Solid Waste Disposal Act].

3. List the individual and his/her mailing address that will be responsible for causing notice to be published in the newspaper.

I. C. Facility for which transfer request submitted:

(Facility Name)

Physical Address: _____

Mailing Address: _____

City: _____, Texas Zip Code: _____

Telephone Number: _____

TNRCC Registration No.: _____ EPA I.D. No.: _____

County: _____

(I.D through F intentionally absent)

I. G. Adjacent Landowners List

Submit a map indicating the boundaries of all adjacent parcels of land, and a list of the names and mailing addresses of all adjacent landowners and other nearby landowners who might consider themselves affected by the activities described by this application. Cross-reference this list to the map through the use of appropriate keying techniques. The map should be a USGS map, a city or county plat, or another map, sketch, or drawing with a scale adequate enough to show the cross-referenced affected landowners. The list should be updated prior to any required public notice.

(I.H, Section II intentionally absent)

III. FACILITY MANAGEMENT

A. Compliance History and Transferee Experience

Provide listings of all non-compliances concerning solid waste management by the permit holder in the preceding five (5) years at the permitted site, all non-compliances concerning solid waste management at any site in Texas owned, operated, or controlled by the transferee, a summary of the attempts of the transferee to correct environmental violations, and an indication of the indebtedness of the permit holder and transferee to the State of Texas as required by 30 TAC 305.50(2).

For a commercial hazardous waste management facility permitted after 6/07/91, provide a summary of the transferee's experience in hazardous waste management or a conspicuous statement about a lack of experience, as required by 30 TAC 305.50(12)(E).

(III.B through F, Sections IV through VII intentionally absent)

VIII. FINANCIAL ASSURANCE

A. Financial Assurance Information Requirements for all Transferees (30 TAC 305.50(4)(A-E), 335.179)

1. Financial Assurance for Closure

An owner or operator must establish financial assurance for the closure of the facility no later than 60 days prior to the first receipt of hazardous waste. Please refer to 40 CFR 264.143 for the financial assurance requirements for closure, and provide a signed statement from an authorized signatory per 30 TAC 305.44 regarding how the owner or operator will comply with this provision.

If the financial mechanism(s) has been obtained, provide a copy of the mechanism(s)

2. Financial Assurance for Post Closure Care (applicable to disposal facilities and contingent post closure care facilities only)

An owner or operator subject to post closure monitoring or maintenance requirements must establish financial assurance for the post closure care of the facility no later than 60 days prior to the first receipt of hazardous waste. Please refer to 40 CFR 264.145 for the financial assurance requirements for post closure, and provide a signed statement from an authorized signatory per 30 TAC 305.44 regarding how the owner or operator will comply with this provision.

If the financial mechanism(s) has been obtained, provide a copy of the mechanism(s)

3. Liability Requirements

All owners or operators must establish financial assurance for third party sudden liability coverage of the facility no later than 60 days prior to the first receipt of hazardous waste. Owners or operators of disposal facilities must establish financial assurance for third party sudden and nonsudden liability coverage of the facility no later than 60 days prior to the first receipt of hazardous waste. Please refer to 40 CFR 264.147 for the financial assurance requirements for liability coverage, and provide a signed statement from an authorized signatory per 30 TAC 305.44 regarding how the owner or operator will comply with this provision.

If the financial mechanism(s) has been obtained, provide a copy of the mechanism(s).

VIII. B. Transferee Financial Disclosure Statements [30 TAC 305.50(4)]

1. A statement signed by an authorized signatory per 30 TAC 305.44 explaining in detail how the transferee demonstrates sufficient financial resources to construct, safely operate, properly close, and provide adequate liability coverage for the facility.
2. Audited financial statements for the last two years and the most current quarterly financial statement prepared according to generally accepted accounting principles. If audited statements have not been prepared for the transferee, copies of the transferee's last two years of financial statements and tax returns shall be submitted. The copies of the tax returns shall be certified by original signature of an authorized officer or owner as being a "true and correct copy of the return filed with the Internal Revenue Service." Additionally, an audited financial statement shall be prepared and submitted for the most recent fiscal year. All financial statements shall include a balance sheet, income statement, cash flow statement, notes to the financial statements, and the accountant's opinion letter.
3. For publicly traded companies, copies of Securities and Exchange Commission Form 10-K for the last two years and the most current Form 10-Q.
4. For privately-held companies, written disclosure of the information that would normally be found in Form 10-K including, but not limited to, the following:
 - a) descriptions of the business and its operations;
 - b) identification of any affiliated relationships;
 - c) credit agreements and terms;

- d) any legal proceedings involving the transferee;
- e) contingent liabilities; and
- f) significant accounting policies.

VIII. C. Transfer of Permitted Facility Expansion, Capacity Expansion, or New Construction

Provide the following information as applicable to the particular financial circumstances:

1. Estimate of capital costs for expansion and/or construction. Complete Table VIII.C.
2. Evidence of financial resources to construct, operate safely, close, and provide liability coverage for the facility.
 - a) Transferees demonstrating through financial statements or existing credit arrangements sufficient financial resources to construct, operate, and close the facility may address this requirement with the signed statement submitted to satisfy Section B.1.
 - b) Transferees that must obtain additional financing through a new stock offering or new debt issuance for construction or expansion as previously permitted shall submit the following information:
 - i) a financial plan sufficiently detailed to clearly demonstrate that the transferee will be in a position to readily secure financing for construction, operation, and closure of the current permit. The submitted financial plan must be accompanied by original letters of opinion from two financial experts, not otherwise employed by the transferee, who have the demonstrated ability to either finance the facility or place the required financing. The opinion letters must certify that the financial plan is reasonable, certify that financing is obtainable within 180 days of transfer of the permit, and include the time schedule contingent upon permit transfer for securing the financing. Only one opinion letter from a financial expert, not otherwise employed by the transferee, is required if the letter renders a firm commitment to provide all the necessary financing; and
 - ii) a written detail of the annual operating costs of the facility and a projected cash flow statement including the period of construction and first two years of operation. The cash flow statement must demonstrate the financial resources to meet operating costs, debt service, and financial assurance for closure, post closure, and liability coverage requirements. A list of the assumptions made to forecast cash flow shall also be provided.
3. For new commercial hazardous waste management facility permitted after 6/07/91, a written statement signed by an authorized signatory per 30 TAC 305.44 explaining how the transferee intends to provide emergency response financial assurance per 30 TAC §305.50(12)(C) or (D).

(Sections IX through XII intentionally absent)

TABLE VIII.C ESTIMATED CAPITAL COSTS

**ESTIMATED CAPITAL
COSTS**

Site preparation, fencing, paving, curbing, lighting, roadways	\$ _____
Foundations, buildings, other structures, utilities and connections, drainage system, HVAC system, Electrical system, wastewater system	_____
Process and control equipment	_____
Auxiliary equipment, including but not limited to exhaust hoods, fans, ducting, pumps, piping, conveyors, stacks, storage tanks, process tanks, waste disposal facilities, pollution control equipment, and fire protection system	_____
Process integration and instrumentation	_____
Emergency response equipment	_____
Transportation equipment	_____
Office equipment	_____
Engineering design, supervision, overhead	_____
Construction expenses including permits, insurance, temporary facilities, and clean-up	_____
Contractor's fees and overhead	_____
Contingency	_____
TOTAL	\$ _____

The estimates listed above were derived from the following sources: